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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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Washington DC 20005-1202

EXAMINER

BU CZINSKI, S

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 08/01/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-8 is/are allowed.
- ☒ Claim(s) 9-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 9-20 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Drawings Clear support for the twice entering of the code and for lack of any release from the "standby mode" makes these claims vague and unsupported by any of the original disclosure. In claims 9 and 15, line 4, "selectively" is not clearly supported. Also, the conjunction "and" instead of "or" between "keyboard" and "a remote control receiver" is inaccurate. In claim 9, line 7 "a said" is vague and should be --said--. In claim 9, line 6, "component" should be plural for proper antecedent basis. In claim 15, line 5, "broadcast" appears to be inaccurate as no such transmission exists in a receiver. *val*

Still All of these claims have contradicting limitations that include output signals not being generated, yet a mixer generates an output. The invention itself is understood especially by comparison to the patent claims 1-8 and the Boards interpretation in their decision, but its presentation here is simply inconsistent, incomplete, or contradictory. Claim 20 then uses similar terminology to express a totally different concept. For instance on line 6 "selectively generating a blocking code in dependence . . ." is inconsistent with any of the other claims and is basically a misstatement of the invention. The last line of claim 20 is not accurate, since the system is already in a power stand-by mode, so what can possibly be blocked? The last two lines recite "transmission of said first video signal" that contradicts the language of lines 2 and 3 where the "first video signal" is "transmitted for reception". The language in these claims is extraordinarily confused causing the meaning to be totally obscured.

2. Claims 9-20 are objected in that new Reissue claims must be underlined as with any new text being introduced.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.


5. Claims 9-19 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Bonneau et al or Amano et al.

The present claims no longer carry the restrictions of the patented claims to a "power" stand-by mode of operation and therefore read on the concept of a channel stand-by situation in the references where a channel is denied until the authorization code is entered. Further arguments as to the applicability of these references can be taken directly from the Boards decision of 22 July 1997.

6. This reissue application was filed without an offer to surrender the original patent or, if the original is lost or inaccessible, an affidavit or declaration to that effect which is required. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before the reissue application can be allowed. See 37 C.F.R. § 1.178.

7. Prior art cited 17 February 2000 has been made of record except for McDaniel et al, since no reference was submitted nor is it readily available.

8. Any inquiry concerning this communication should be directed to Stephen C. Buczinski at telephone number (703) 305-1835.


STEPHEN C. BUCZINSKI
PRIMARY EXAMINER